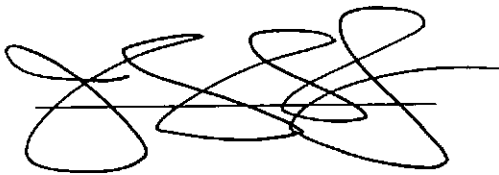


By:



H.B. No. 2998

A BILL TO BE ENTITLED

AN ACT

relating to the authority of chiropractors to form certain business entities with certain other professionals.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections C and D, Article 2.01, Texas Non-Profit Corporation Act (Article 1396-2.01, Vernon's Texas Civil Statutes), are amended to read as follows:

C. Doctors of medicine and osteopathy licensed by the Texas State Board of Medical Examiners, ~~and~~ podiatrists licensed by the Texas State Board of Podiatric Medical Examiners, and chiropractors licensed by the Texas Board of Chiropractic Examiners may organize a non-profit corporation under this Act that is jointly owned, managed, and controlled by those practitioners to perform a professional service that falls within the scope of practice of those practitioners and consists of:

(1) carrying out research in the public interest in medical science, medical economics, public health, sociology, or a related field;

(2) supporting medical education in medical schools through grants or scholarships;

(3) developing the capabilities of individuals or institutions studying, teaching, or practicing medicine, including podiatric medicine;

(4) delivering health care to the public; or

1 (5) instructing the public regarding medical science,
2 public health, hygiene, or a related matter.

3 D. When doctors of medicine, osteopathy, ~~and~~ podiatry,
4 and chiropractic organize a non-profit corporation that is jointly
5 owned by those practitioners, the authority of each of the
6 practitioners is limited by the scope of practice of the respective
7 practitioners and none can exercise control over the other's
8 clinical authority granted by their respective licenses, either
9 through agreements, articles of incorporation, bylaws, directives,
10 financial incentives, or other arrangements that would assert
11 control over treatment decisions made by the practitioner. The
12 Texas State Board of Medical Examiners, ~~and~~ the Texas State Board
13 of Podiatric Medical Examiners, and the Texas Board of Chiropractic
14 Examiners continue to exercise regulatory authority over their
15 respective licenses.

16 SECTION 2. Section 2(B), Texas Professional Association Act
17 (Article 1528f, Vernon's Texas Civil Statutes), is amended to read
18 as follows:

19 (B) Licenses. (1) Except as provided by this subsection,
20 all members of the association shall be licensed to perform the type
21 of professional service for which the association is formed.

22 (2) Doctors of medicine and osteopathy licensed by the
23 Texas State Board of Medical Examiners, ~~and~~ podiatrists licensed
24 by the Texas State Board of Podiatric Medical Examiners, and
25 chiropractors licensed by the Texas Board of Chiropractic Examiners
26 may form an association that is jointly owned by those
27 practitioners to perform a professional service that falls within

1 the scope of practice of those practitioners.

2 (3) Professionals, other than physicians, engaged in
3 related mental health fields such as psychology, clinical social
4 work, licensed professional counseling, and licensed marriage and
5 family therapy may form an association that is jointly owned by
6 those practitioners to perform professional services that fall
7 within the scope of practice of those practitioners.

8 (4) When doctors of medicine, osteopathy, [~~and~~]
9 podiatry, and chiropractic, or mental health professionals form an
10 association that is jointly owned by those practitioners, the
11 authority of each of the practitioners is limited by the scope of
12 practice of the respective practitioners and none can exercise
13 control over the other's clinical authority granted by their
14 respective licenses, either through agreements, bylaws,
15 directives, financial incentives, or other arrangements that would
16 assert control over treatment decisions made by the practitioner.
17 The state agencies exercising regulatory control over professions
18 to which this subdivision applies continue to exercise regulatory
19 authority over their respective licenses.

20 SECTION 3. Section A(3), Article 11.01, Texas Limited
21 Liability Company Act (Article 1528n, Vernon's Texas Civil
22 Statutes), is amended to read as follows:

23 (3) Doctors of medicine and osteopathy licensed by the
24 Texas State Board of Medical Examiners, [~~and~~] podiatrists licensed
25 by the Texas State Board of Podiatric Medical Examiners, and
26 chiropractors licensed by the Texas Board of Chiropractic Examiners
27 may organize a professional limited liability company that is

1 jointly owned by those practitioners to perform a professional
2 service that falls within the scope of practice of those
3 practitioners. When doctors of medicine, osteopathy, ~~[and]~~
4 podiatry, and chiropractic organize a professional limited
5 liability company that is jointly owned by those practitioners, the
6 authority of each of the practitioners is limited by the scope of
7 practice of the respective practitioners and none can exercise
8 control over the other's clinical authority granted by their
9 respective licenses, either through agreements, bylaws,
10 directives, financial incentives, or other arrangements that would
11 assert control over treatment decisions made by the practitioner.
12 The Texas State Board of Medical Examiners, ~~[and]~~ the Texas State
13 Board of Podiatric Medical Examiners, and the Texas Board of
14 Chiropractic Examiners continue to exercise regulatory authority
15 over their respective licenses.

16 SECTION 4. Section 2.02(e), Texas Revised Partnership Act
17 (Article 6132b-2.02, Vernon's Texas Civil Statutes), is amended to
18 read as follows:

19 (e) Authority of Doctors of Medicine, ~~[and]~~ Osteopathy, and
20 Chiropractic, and Podiatrists to Create Partnership. Doctors of
21 medicine and osteopathy licensed by the Texas State Board of
22 Medical Examiners, ~~[and]~~ podiatrists licensed by the Texas State
23 Board of Podiatric Medical Examiners, and chiropractors licensed by
24 the Texas Board of Chiropractic Examiners may create a partnership
25 that is jointly owned by those practitioners to perform a
26 professional service that falls within the scope of practice of
27 those practitioners. When doctors of medicine, osteopathy, ~~[and]~~

1 podiatry, and chiropractic create a partnership that is jointly
2 owned by those practitioners, the authority of each of the
3 practitioners is limited by the scope of practice of the respective
4 practitioners and none can exercise control over the other's
5 clinical authority granted by their respective licenses, either
6 through agreements, bylaws, directives, financial incentives, or
7 other arrangements that would assert control over treatment
8 decisions made by the practitioner. The Texas State Board of
9 Medical Examiners, ~~and~~ the Texas State Board of Podiatric Medical
10 Examiners, and the Texas Board of Chiropractic Examiners continue
11 to exercise regulatory authority over their respective licenses.

12 SECTION 5. This Act takes effect September 1, 2003.

78TH LEGISLATURE**COAUTHOR AUTHORIZATION**

(please request your coauthors to sign this form
in lieu of the front or the back of the original bill)

Bill or Resolution Number:

HB 2998**MAR 14 2003**signature of ~~primary author~~printed name of **primary author**

Date

PERMISSION TO SIGN HB 2998 HAS BEEN GIVEN TO (check only one of the following):
(bill or resolution #)

☒ ALL REPRESENTATIVES☐ THE FOLLOWING REPRESENTATIVE(S): _____

I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above:

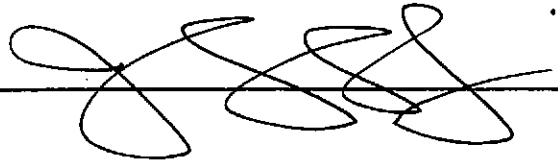
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A2125 Alonzo	Date	A2565 Cook, Robert "Robby"	Date	A2810 Farrar	Date
A2160 Bailey	Date	A2595 Corte	Date	A2840 Flores	Date
A2170 Baxter	Date	A2605 Crabb	Date	A2850 Flynn	Date
A2205 Berman	Date	A2610 Craddick	Date	A2920 Gallego	Date
A2230 Bohac	Date	A2640 Crownover	Date	A2925 Garza	Date
A2250 Bonnen	Date	A2620 Davis, John	Date	A2960 Gattis	Date
A2280 Branch	Date	A2625 Davis, Yvonne	Date	A2945 Geren	Date
A2265 Brown, Betty	Date	A2635 Dawson	Date	A2935 Giddings	Date
A2270 Brown, Fred	Date	A2680 Delisi	Date	A2985 Goodman	Date
A2255 Burnam	Date	A3385 Denny	Date	A2990 Goolsby	Date
A2295 Callegari	Date	A2690 Deshotel	Date	A3010 Griggs	Date
A2290 Campbell	Date	A2705 Driver	Date	A3020 Grusendorf	Date
A2350 Canales	Date	A2665 Dukes	Date	A3045 Guillen	Date
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A3180 Heflin	Date	A3715 Madden	Date	A4220 Riddle	Date
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A3290 Hodge	Date	A3845 McReynolds	Date	A4525 Smith, Todd	Date
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A3320 Hope	Date	A3815 Mercer	Date	A4530 Smithee	Date
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A3315 Howard	Date	A3835 Miller	Date	A4505 Solomons	Date
A3340 Hughes	Date	A3855 Moreno, Joe	Date	A4560 Stick	Date
A3355 Hunter	Date	A3860 Moreno, Paul	Date	A4570 Swinford	Date
A3360 Hupp	Date	A3870 Morrison	Date	A4585 Talton	Date
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A3405 Jones, Delwin	Date	A3885 Naishtat	Date	A4605 Telford	Date
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A3470 King	Date	A4140 Pena	Date	A4800 Villarreal	Date
A3495 Kolkhorst	Date	A4160 Phillips	Date	A4995 West	Date
A3485 Kruscc	Date	A4180 Pickett	Date	A5000 Wilson	Date
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A3620 Luna	Date	A4215 Raymond	Date	A5005 Woolley	Date
A3700 Mabry	Date	A4236 Reyna	Date	A5150 Zedler	Date

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relating to the authority of chiropractors to form certain business entities with certain other professionals.

MAR 14 2003

Filed with the Chief Clerk

MAR 27 2003

Read first time and referred to Committee on Public Health

Reported favorably (as amended)
(as substituted)

Sent to Committee on (Calendars)
(Local & Consent Calendars)

Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)
(record vote of yeas, nays, present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of yeas, nays, present, not voting

Read third time (amended); finally passed (failed to pass) by a (non-record vote)
(record vote of yeas, nays, present, not voting)

Engrossed

Sent to Senate

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

Received from the House

Read and referred to Committee on _____

Reported favorably _____

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(yeas, nays)

Read second time, _____, and passed to third reading by (unanimous consent)
(a viva voce vote)
(yeas, nays)

Senate and Constitutional 3 Day Rules suspended by a vote of yeas, nays

Read third time, _____, and passed by (a viva voce vote)
(yeas, nays)

Returned to the House

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

_____ Returned from the Senate (as substituted)
(with amendments)

_____ House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House conferees appointed: _____, Chair; _____,
_____, _____, _____

_____ Senate granted House request. Senate conferees appointed: _____, Chair;
_____, _____, _____, _____

_____ Conference committee report adopted (rejected) by the House by a (non-record vote).
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)